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U.S. DISTRICT COURT
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ORIGINAL

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LOUIS TAKACS, on behalf of himself
And others similarly situated,

2004 APR 14 PM 2:53

Plaintiffs,

Case No. CV-S-03-1550 MJ DEPUTY
RLH-LRL

v.

JOSHUA MICHAELY and PRESTIGE OF
LAS VEGAS, INC.,

Defendants.

ANSWER TO AMENDED COMPLAINT

COMES NOW, Defendants Joshua Michaely and Prestige of Las Vegas, Inc., by
and through their counsel Mark Coburn, and hereby file this, their Answer to Plaintiffs'
Amended Complaint as follows:

1.

Answering Paragraphs 1 and 2 of Plaintiffs' Complaint, answering Defendants
state that they are without sufficient knowledge or information necessary to form a belief
as to the truth or falsity of said allegations, and therefore deny same.

2.

Answering Paragraph 3 of Plaintiffs' Complaint, answering Defendants deny said
allegation.

3.

Answering Paragraphs 4 of Plaintiffs' Complaint, Defendants hereby admit said
allegations.

4.

Answering Paragraphs 5 and 6 of Plaintiffs' Complaint, answering Defendants deny said allegations.

5.

Answering Paragraph 7 of Plaintiff's Complaint, answering Defendants admit said allegation.

6.

Answering Paragraph 8 of Plaintiff's Complaint, answering Defendants deny said allegation.

7.

Answering Paragraphs 9 of Plaintiffs' Complaint, answering Defendants admit said allegations.

8.

Answering Paragraph 10 through 22 of Plaintiffs' Complaint, answering Defendants deny said allegations.

9.

Answering Paragraph 23 through 26 of Plaintiff's Complaint, Defendants hereby admit said allegations.

10.

Answering Paragraph 27 through 37 of Plaintiff's Complaint, answering Defendants hereby deny said allegations.

Any Paragraph not herein specifically admitted is hereby denied.

FIRST AFFIRMATIVE DEFENSE

Defendants allege that the occurrences referred to in the Plaintiffs' Complaint, and all injuries and damages, if any, resulting there from, were caused by the acts or omissions of a third party over whom Defendants had no control.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' Complaint on file herein fails to state a claim against these Defendants upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

Any harm or injury or claim of damage of Plaintiffs', or cause of action of Plaintiffs, as alleged or stated in Plaintiffs' Complaint, is barred by the doctrine of laches, as to all or part of the claim of Plaintiffs'.

FOURTH AFFIRMATIVE DEFENSE

Defendants allege that Plaintiff is estopped from pursuing any claim against Defendants.

FIFTH AFFIRMATIVE DEFENSE

The doctrine of unclean hands prevents any recovery by Plaintiffs herein.

SIXTH AFFIRMATIVE DEFENSE

The incidents alleged in the Complaint, and the resulting damage, if any, to Plaintiffs, was proximately caused or contributed to by the Plaintiffs' own actions and/or negligence, and such negligence was greater than the negligence, if any, of the Defendants.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff herein failed to mitigate his damages.

EIGHT AFFIRMATIVE DEFENSE

All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of these answering Defendants' Answer, and therefore, these answering Defendants reserve the right to amend this Answer to allege additional Affirmative Defenses if subsequent investigation warrants.

WHEREFORE, Defendants pray for Judgment as follows:

1.

That Plaintiffs take nothing by virtue of this action and that same be dismissed with prejudice;

2.

That Defendants be awarded their reasonable attorney's fees and costs incurred in the defense of this action; and

3.

Such other and further relief as the Court deems just and proper.

DATED this 14th day of April, 2004.

BY: 
Mark Coburn, Esq.
Nevada Bar No. 8032
2722 Highland Drive
Las Vegas, NV 89109
(702) 732-9007

VERIFICATION

LOUIS TAKACS, on behalf of himself
And others similarly situated,

Plaintiffs,
v.
Case No.
CV-S-03-1550
RLH-LRL

JOSHUA MICHAELY and PRESTIGE OF LAS VEGAS, INC.,

Defendants.

JOSHUA MICHAELY, being first duly sworn, deposes and says: That he is a party in the above referenced matter and has read the Defendants' Answers to Plaintiff's Amended Complaint, and knows the contents thereof. I certify that the same is true of my own knowledge, except as to those matters which are therein stated only upon my information or belief, and as to such matters I believe them to be true.

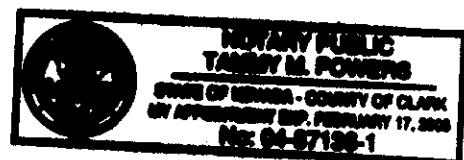
Executed this 14 day of April, 2004 Las Vegas, Nevada

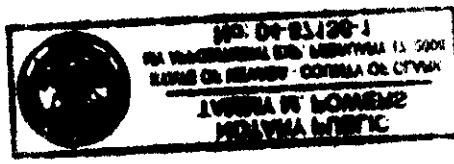
Josh Michael
Joshua Michael

SUSCRIBED and SWORN to before me this 14 day of April, 2004.

**Notary Public
State of Nevada**

(SEAL)





CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2004, I served a copy of the foregoing ANSWER TO FIRST AMENDED COMPLAINT by depositing a copy of same in a sealed envelope with first class postage attached thereto and addressed as follows:

Leon Greenberg, Esq.
Law Offices of Leon Greenberg
633 S. 4th Street
Suite 9
Las Vegas, NV 89010

By:



Mark Coburn, Esq.
Attorney for Defendant Michael
And Prestige of Las Vegas

